

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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CHRISTOPHER CORTAZZO	:	
Plaintiff,	:	
	:	No. 5:14-cv-2513
v.	:	
	:	
CITY OF READING and WILLIAM HEIM,	:	
Defendants.	:	

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**ORDER**

**Defendants' Motion to Dismiss, ECF No. 34- Granted in Part & Denied in Part**

**AND NOW**, this 14<sup>th</sup> day of March, 2016, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion to Dismiss, ECF No. 34, is **GRANTED in part and DENIED in part**;
2. The Motion to Dismiss Count I, asserting claims for disparate treatment and retaliation in violation of Section 504 of the Rehabilitation Act, is granted and Count I is dismissed with prejudice in its entirety;
3. The Motion to Dismiss the FMLA retaliation claim in Count II is granted and it is dismissed with prejudice;
4. The Motion to Dismiss the FMLA interference claim in Count II is denied;
5. The Motion to Dismiss Chief Heim from the FMLA interference claim in Count II is denied;<sup>1</sup> and
6. The Motion to Dismiss the request for punitive damages is granted.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> As all remaining claims are dismissed with prejudice, the request to dismiss Chief Heim from these claims is moot.